

PUBLIC CHAPTER NO. 526

HOUSE BILL NO. 415

By Representatives Todd, DuBois, Gresham

Substituted for: Senate Bill No. 516

By Senator Tracy

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 11, relative to the Locksmith Licensing Act of 2006.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-11-103, is amended by adding a new subdivision (5) as follows and renumbering the existing subdivisions accordingly:

(5) "Emergency service vehicle" means a vehicle used for police, fire, or emergency medical services, or to assist a person from getting in and out of a vehicle.

SECTION 2. Tennessee Code Annotated, Section 62-11-103, is amended by deleting subdivision (12) in its entirety and by substituting instead the following:

(12) "Registered locksmith apprentice" means any natural person who is providing locksmithing services as an employee, contractor or agent, with or without compensation under the supervision of a licensed locksmith with any sole proprietorship, partnership, association, or corporation providing locksmithing services;

SECTION 3. Tennessee Code Annotated, Section 62-11-104, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) No person, partnership, association, corporation, or local or state governmental employee shall engage in, or hold themselves out as engaging in, the business of locksmithing in this state without first registering or licensing in accordance with this chapter any employees, agents, or contractors operating as locksmith apprentices or locksmiths.

SECTION 4. Tennessee Code Annotated, Section 62-11-104, is amended by deleting subsection (e) in its entirety and by substituting instead the following:

(e) No locksmith shall employ, hire, contract with or associate with any person who is required to be licensed or registered with the

commissioner in accordance with this chapter, unless the employee, agent or contractor is properly licensed or registered with the commission in compliance with § 62-11-111 or § 62-11-112.

SECTION 5. Tennessee Code Annotated, Section 62-11-104(g), is amended by adding the following language at the end thereto:

Provided, that the provisions of this subsection restricting the possession or use of the items listed in this subsection shall not apply to students involved in locksmithing training programs or courses so long as such tools are not used by the students other than in accordance with such programs.

SECTION 6. Tennessee Code Annotated, Section 62-11-105(a), is amended by deleting subdivision (9) in its entirety and by substituting instead the following:

(9) Emergency service vehicles, for the sole purpose of towing a motor vehicle or allowing the owner entry into a vehicle, when the owner is locked out of the vehicle.

SECTION 7. Tennessee Code Annotated, Section 62-11-106(4), is amended by deleting the language "and East Tennessee Locksmith Association" and substituting instead the adding the language "East Tennessee Locksmith Association, West Tennessee Chapter of ALOA, and any independent locksmiths willing to provide such assistance to the commissioner;".

SECTION 8. Tennessee Code Annotated, Section 62-11-106(6), is amended by deleting the words "and practical" from the first sentence.

SECTION 9. Tennessee Code Annotated, Section 62-11-106, is amended by deleting subdivision (8) in its entirety.

SECTION 10. Tennessee Code Annotated, Section 62-11-106, is amended by deleting subdivision (11) in its entirety and by substituting instead the following:

(11) Investigate complaints containing allegations of violations of applicable laws and rules;

SECTION 11. Tennessee Code Annotated, Section 62-11-106, is amended by deleting subdivision (15) in its entirety and by substituting instead the following:

(15) Maintain a registry of licensed locksmithing businesses, whether a sole proprietorship, partnership, association, corporation, or other entity offering locksmithing services to the public in the state, showing who is licensed and employed by such businesses as locksmiths and apprentices.

SECTION 12. Tennessee Code Annotated, Section 62-11-108, is amended by deleting such section in its entirety and by substituting instead the following:

Section 62-11-108.

(a) No license shall be issued under the chapter unless the applicant files with the commissioner evidence of all of the following liability insurance with the following minimum coverages:

(1) One hundred thousand dollars (\$100,000) because of bodily injury or death of one (1) person as a result of the negligent act or acts of the principal insured or the principal insured's agents operating in the scope and course of the agent's employment;

(2) Subject to the limit for one (1) person, three hundred thousand dollars (\$300,000) because of bodily injury or death of two (2) or more persons as the result of the negligent act or acts of the principal insured or the principal insured's agent operating in the course and scope of the agent's employment; and

(3) One hundred thousand dollars (\$100,000) because of injury to or destruction of property as a result of the negligent act or acts of the principal insured or the principal insured's agent operating in the course and scope of the agent's employment.

(b) The state of Tennessee shall be listed as a certificate holder on the liability insurance policies;

(c) The insurance certificates shall be available for inspection during normal business hours on the request of the commissioner or duly appointed and identified representative(s). The certificates shall provide that the insurance shall not be modified or cancelled without ten (10) days prior notice to the commissioner.

SECTION 13. Tennessee Code Annotated, Section 62-11-111(a), is amended by deleting the language "§ 62-11-106; and" and by substituting instead the following:

§ 62-11-106; provided that the provisions of this subdivision shall not apply to any person who shows satisfactory proof to the commissioner that, on the effective date of this act, the person has the equivalent of, as determined by the commissioner, at least five (5) years' full-time locksmithing experience. If the person is a sole proprietor or an owner of a locksmith shop or business such proof may be established by providing to the commissioner the municipal or county business license, sales tax identification number or federal tax identification number of the business together with the date such license or tax

identification number for the locksmithing shop or business was obtained, and such other information as the commissioner may require for the commissioner to reasonably determine the applicant's locksmithing experience. If the person is an employee, partner, or officer of a locksmithing shop or business, such proof shall be established by the owner of the shop or business certifying to the commissioner the number of years such person has been a locksmith or employed by the owner as a locksmith and a description of the duties of such employee, partner or officer. If the person has not been associated with a shop or business or has been employed by a locksmith owner for less than five (5) years, such person shall provide the names of previous locksmithing shops or businesses with which such person was associated or for whom such person has been employed;

SECTION 14. Tennessee Code Annotated, Section 62-11-111(b), is amended by deleting such subsection in its entirety and by substituting instead the following:

(b) Applications shall disclose any and all persons, firms, associations, corporations, or other entities that own or control ten percent (10%) or greater interest in the applicant's business. The applicant shall also submit an affidavit accompanying the application stating whether or not any of the persons, associations, corporations, or other entities with a ten percent (10%) or greater interest in the locksmith company has been convicted of a felony. In the event any such individual or entity has been convicted of a felony, the commissioner may deny such application.

SECTION 15. Tennessee Code Annotated, Section 62-11-111, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) If the application is satisfactory to the commissioner, then the commissioner may issue the license as a locksmith. Included in the documents issued by the commissioner shall be a photo identification card on which shall be provided the locksmith's name, address, and license number, and the expiration date of the license. The photo identification card shall be carried by the locksmith at all times when performing duties as a licensed locksmith and shall be shown upon request. The commissioner shall have the authority to enter into agreements with any state agency for the production or distribution of the photo identification cards.

SECTION 16. Tennessee Code Annotated, Section 62-11-111, is amended by deleting subsection (f) in its entirety and by substituting instead the following:

(f) The renewal must be received in the office of the commissioner not less than thirty (30) nor more than sixty (60) days prior to the expiration of such license.

SECTION 17. Tennessee Code Annotated, Section 62-11-111(g), is amended by deleting subsection (g) in its entirety and by substituting instead the following:

(g) The commissioner shall establish a late renewal fee in the event that a locksmith renews his or her license after the expiration of such license.

SECTION 18. Tennessee Code Annotated, Section 62-11-111(h), is amended by deleting such subsection in its entirety and by substituting instead the following:

(h) No locksmith shall be eligible to have such locksmith's license renewed when the locksmith has been in default in complying with the provisions of this chapter for sixty (60) days. In such event, the locksmith shall submit a new application for licensure as in the case of the issuance of the original license.

SECTION 19. Tennessee Code Annotated, Section 62-11-111, is amended by deleting subsection (j) in its entirety and by substituting instead the following:

(j) All applications and documents required by subsection (a) shall be maintained by the commissioner in accordance with the policies of the department of commerce and insurance.

SECTION 20. Tennessee Code Annotated, Section 62-11-113, is amended by deleting the language "July 1, 2007" wherever it may be found and by substituting instead the language "July 1, 2008".

SECTION 21. Tennessee Code Annotated, Section 62-11-115, is amended by deleting the language "July 1, 2007" wherever it may be found and by substituting instead the language "July 1, 2008".

SECTION 22. For the purpose of implementing the "Locksmith Licensing Act of 2006", the commissioner is authorized to begin administering applicable examinations and issuing licenses to applicants when such examinations are available. For all other purposes, this act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 12, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 26th day of June 2007



PHIL BREDESEN, GOVERNOR